

Minutes

CHARLOTTE COUNTY CONSTRUCTION INDUSTRY LICENSING BOARD Administration Center, County Commission Meeting Room #119 18500 Murdock Circle, Port Charlotte, Florida 33948-1094

November 5, 2020 at 6 pm

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in meetings, programs, and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to David.Lyles@charlottecountyfl.gov.

A. CALL TO ORDER

Chairman Charles Hackbarth calls meeting to order at 6:00PM

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

MEMBERS PRESENT:

Charles Hackbarth
Michael Melton
Robert Overcash
Christopher Knight
Michael Ferrara
Louis Green
Stephen Gardnier

NOT PRESENT:

Edward Toth

Staff Present:

Wendy Pacheco, Certified Contractor Licensing Officer
Tom Atkinson, Certified Contractor Licensing Officer
Ryan Maher, Assistant County Attorney
Ben Bailey, Building Official
Kristin Binns, Administrative Assistant
Robert H. Berntsson, Board Attorney

D. OPENING STATEMENT

The Chairman read the opening statement.

E. NEXT MEETING DATE
December 3, 2020 at 6:00 pm

F. APPROVAL OF MINUTES

Robert Overcash made motion to approve the minutes from September 3, 2020 meeting, Stephen Gardiner seconded the motion, all in favor.

G. SWEARING IN OF ALL THOSE GIVING TESTIMONY

Kristin Binns administered oath to those who gave testimony.

H. PUBLIC INPUT-AGENDA ITEMS ONLY

I. AGENDA CHANGES
Ryan Maher announced agenda changes.

J. EXAMINATION
NONE

K. LICENSE REVIEW
NONE

L. CONSENT – AFFIDAVITS OF NONCOMPLIANCE FINES
NONE

M. CONTESTING CITATIONS
NONE

N. REINSTATEMENT

1. BRIAN M MARSHALL,
f/k/a Fireline Restoration Inc
Certified General Contractor
License No. CGC060580
CIL-14-00515

Erin Mullen-Travis

Ryan Maher presented testimony the Board, neither Mr Marshall nor his attorney were present to provide testimony to the Board.

Motion: Christopher Knight makes a motion to deny Mr. Marshalls request to temporarily have his permitting privileges and the right to work in Charlotte County reinstated. Motion was seconded by Robert Overcash, all in favor, motion carries.

O. OLD BUSINESS
NONE

P. DISCIPLINE CASES

1. **MICHAEL J HESS**
Powder Mountain Inc
f/k/a Aerotech Service Inc
Certified General Contractor,
License No. CGC1518660
CIL-20-00391

Tom Atkinson

Mr. Marshall was not present to provide testimony to the Board, licensing investigator Tom Atkinson provided testimony the Board.

The Respondent was charged with the following:

CHARGE 1: Florida Building Codes 110.3 and 110.5, adopted by Charlotte County Code 3-2-23: The building official upon notification from the permit holder or his or her agent, shall make the following inspections, and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The building official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection. Additionally, it shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code **(2 counts)**.

CHARGE 2: Charlotte County Code 3-2-47(b)(4) - Willful or deliberate disregard and violation of any lawful order of the board, any provisions of Charlotte County Code, chapter 3 2, chapter 3 9, any provisions of any code adopted pursuant to this chapter, or any state law regulating the construction industry, including Chapter 489 and Part I of Chapter 455 **(2 counts)**.

CHARGE 3: Charlotte County Code 3 2 47(b)(20) Failing to obtain inspections including but not limited to final inspections **(2 counts)**.

Upon consideration, it is **ORDERED**:

That Michael J Hess's permitting privileges and right to work as a contractor in Charlotte County be **revoked**.

It is further ordered that a copy of this case along with a copy the Board's order be forwarded to the Department of Business and Professional Regulation and Florida Construction Industry Licensing Board (FCILB) with the recommendation the FCILB order Mr. Howell to renew the permits in a timely manner and obtain final inspections as required by the Florida Building Code. It is also recommended if Mr. Howell fails to comply, the FCILB order the State Certified

General Contractor's License of Mr. Howell be revoked by the Florida Construction Industry Licensing Board.

MOTION: Robert Overcash makes motion to approve staff's recommendation. Michael Ferrara seconds motion. All in favor.

R. REPORT FROM THE LICENSING MANAGER

S. REPORT FROM THE BUILDING OFFICIAL

Ben Bailey reports the Building Department is continuing to be very busy all the numbers are up from last year.

Presentation to the Board by Josh Overmyer on Flood ordinance.

T. REPORT FROM THE ASSISTANT COUNTY ATTORNEY

Ryan Maher announces amendment to code, regarding appeals.

U. BOARD ATTORNEY COMMENTS

NONE

V. REPORT FROM CONSTRUCTION INDUSTRY LICENSING BOARD MEMBERS

NONE

W. ADJOURNMENT

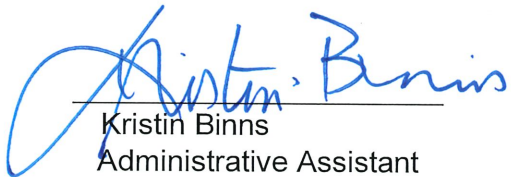
Robert Overcash made the motion to adjourn and Stephen Gardnier seconded the motion and it was approved unanimously at 6:44pm.

CHARLOTTE COUNTY
CONSTRUCTION INDUSTRY LICENSING BOARD
MINUTES OF NOVEMBER 5, 2020
READ AND APPROVED ON DECEMBER 3, 2020



Charles Hackbarth, Chairman

ATTEST:



Kristin Binns
Administrative Assistant
Community Development Department
Contractor Licensing Division

Complete files of all cases, as well as taped recordings of all proceedings of this meeting, are kept in the Community Development Department and are available to the public.

Any person who decides to appeal a decision of this Board will need a record of the proceedings pertaining thereto, and therefore may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.